IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BENJAMIN WITTES,) Civil Action No. 1:17-cv-01627-RC
Plaintiff,)
v.)
U.S. DEPARTMENT OF JUSTICE and OFFICE OF MANAGEMENT AND BUDGET,)))
Defendants.)))

JOINT STATUS REPORT

Plaintiff Benjamin Wittes and Defendants United States Department of Justice ("DOJ") and the Office of Management and Budget ("OMB") (collectively, "Defendants") respectfully submit this Joint Status Report pursuant to the Court's Order of August 29, 2018. The parties incorporate by reference their prior Joint Status Reports of October 12, 2017, November 13, 2017, December 12, 2017, January 29, 2018, May 25, 2018, June 29, 2018, July 30, 2018, August 29, 2018, and October 22, 2018 (ECF Nos. 8, 10-12, 16-19, and 21-22). The parties report as follows:

- 1. On August 11, 2017, Plaintiff initiated this action under the Freedom of Information Act ("FOIA") against OMB and DOJ. The Complaint alleges that this action involves FOIA requests dated April 14, 2017, and submitted to, in relevant part, DOJ's Office of Information Policy ("OIP"), DOJ's National Security Division ("NSD"), and OMB.
- 2. OMB completed its processing of Plaintiff's request on February 28, 2018. OMB located no records responsive to Plaintiff's request.

- 3. NSD completed its processing of Plaintiff's request and made a release of responsive, non-exempt records on February 7, 2018.
- 4. OIP conducted a keyword-based search for records and released non-exempt portions of responsive records in two releases, on March 1, 2018 and April 4, 2018.
- 5. On June 12, 2018, Plaintiff and OIP reached an agreement to resolve certain issues in dispute in this litigation, pursuant to which, among other things, OIP agreed to conduct a narrowed search for certain records.
 - 6. OIP completed the agreed-upon narrow search on July 24, 2018.
- 7. On October 16, 2018, OIP made a supplemental release of non-exempt portions of responsive records.
- 8. The parties' efforts to meet and confer regarding Plaintiff's request for attorneys' fees were interrupted by the lapse in appropriations to the Department of Justice, which began at the end of the day on December 21, 2018.
- 9. As of January 25, 2019, after a 35-day lapse, funding was restored for the Department of Justice through February 15, 2019, and the Department has now resumed its usual civil litigation functions.
- 10. The parties intend to resume their efforts to meet and confer regarding Plaintiff's request for attorneys' fees.
- 11. Accordingly, the parties respectfully request that they file another Joint Status Report on or before March 4, 2019.

Dated: February 1, 2019

/s/ Laurence Schwartztol

JUSTIN FLORENCE (DC Bar No. 988953)

LAURENCE SCHWARTZTOL The Protect Democracy Project, Inc. 2020 Pennsylvania Ave., NW #163

Washington, DC 20006 Telephone: (202) 599-0466

Fax: (929) 777-8428

Attorneys for Plaintiff

Respectfully submitted,

JOSEPH H. HUNT

Assistant Attorney General

ELIZABETH J. SHAPIRO Deputy Branch Director

/s/ Chetan A. Patil

CHETAN A. PATIL

Trial Attorney (DC Bar No. 999948) United States Department of Justice

Civil Division

Federal Programs Branch

P.O. Box No. 883 Ben Franklin Station Washington, DC 20044

Telephone: (202) 305-4968

Fax: (202) 616-8470 chetan.patil@usdoj.gov

Attorneys for Defendants